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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

-----X	:	
WANG	:	
	:	Civil Action
Plaintiff,	:	
	:	NOTICE OF MOTION AND
vs.	:	MOTION FOR LEAVE TO
	C	WITHDRAW AS COUNSEL
CHAPEL, LLC. et al	:	PURSUANT TO L.CIV.R.102.1
	:	
Defendants.	:	2:15-cv-02950-MAS-DEA WANG et al v.
	:	CHAPEL LLC
-----X	:	

PLEASE TAKE NOTICE that, on Friday, January 6<sup>th</sup>, 2017 at 9:00 a.m. or as soon thereafter as the matter may be heard before the Honorable Judge Michael A. Shipp, United States District Judge of the United District Court for New Jersey, Clarkson S. Fisher Bldg. & US Courthouse 402 East State Street Rm 2020 Trenton, NJ 08608. Lina Franco, Esq. New Jersey local counsel for Plaintiffs (collectively, "Plaintiffs"), of Lina Franco Law, P.C. 42 Broadway, 12<sup>th</sup> Floor, New York NY 10004, shall and hereby respectfully seek leave of this Court pursuant to pursuant to L.Civ.R.102.1 to withdraw as counsel for Plaintiffs.

**MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS**

Lina Franco Esq., hereby notifies the parties and the Court of her intent to withdraw as local Counsel for Plaintiffs. Movant states the following grounds for this notice and motion:

1. Lina Franco Law P.C. appeared as Counsel in this action pursuant to a local counsel agreement with John Troy, Esq., of Troy Law, PLLC. on January 25<sup>th</sup>, 2016. (See Dkt. No. 16)
2. Significant differences and key lapses in communication have arisen between Lina Franco, Esq. and John Troy, Esq., and an irrevocable breach has developed, making it impossible for Lina Franco, Esq. to properly represent Plaintiffs in this case.
3. Rule 1.16 (b) of the New Jersey Rules of Professional Conduct provides that “a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if ...(6) other good cause for withdrawal exists.” The foregoing provisions are applicable to the instant circumstances.
4. When evaluating a motion to withdraw, the Court may consider four (4) principal criteria: 1) The reason withdrawal is sought 2) the prejudice withdrawal may cause to other litigants; 3) the harm withdrawal might cause to the administration of justice; and 4) the degree to which withdrawal may delay the resolution of the case. *Rusinow*, 920 F. Supp. at 70; see also Haines v. Liggett Group, Inc., 814 F. Supp. 414, 423 (D.N.J.).
5. No prejudice to other parties in this action should result from the withdrawal of Lina Franco Law, P.C., The matter is in the middle stages of discovery and the Court has neither entered a Final Pretrial Order nor set a trial date (See United States ex. Rel. Cherry Hill Convalescent Center, Inc. v. Healthcare Rehab Systems, Inc., 994 F. Supp. 244, 253 (D.N.J. 1997)).
6. Troy Law, PLLC will continue to serve as Counsel for Plaintiffs in this case. John Troy, Esq. was admitted Pro Hac Vice on April 18<sup>th</sup>, 2016 (See Dkt. No 29).
7. Movant also respectfully asks the Court that a (30) thirty-day-stay be granted in this case to allow Plaintiffs, through their New York Counsel, John Troy, Esq., to find appropriate substitute Local Counsel in New Jersey.

8. Given the insubstantial nature of this Motion, as well as the substantial burden to all parties in travelling and attending a hearing on this Motion, Movant respectfully requests that the Court waive oral argument.
9. Wherefore, Lina Franco Law P.C. respectfully request that the Court issue an order granting it leave to withdraw as counsel of record for Plaintiffs.

*Lina Franco Law, P.C.*

Dated: December 23, 2016

By: \_\_\_\_\_ s/Lina Franco

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